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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Duff et al.

Serial No.: 09/037,472

Filing Date: March 10, 1998

Title: *Detecting Genetic Predisposition to Sight
Threatening Diabetic Retinopathy*



Atty. Docket No: MSA-008.01

Assistant Commissioner for Patents
Washington, DC 20231

TRANSMITTAL LETTER

Dear Sir:

I enclose for filing in the above-identified application the following:

1. Preliminary Amendment;
2. Copy of Notice to Comply;
3. Statement to Support Filing and Submission in Accordance with 37 C.F.R. §§1.821-1.825;
4. Sequence Listing and Diskette in Response to Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures; and
5. Return Mailroom Postcard.

The Commissioner is hereby authorized to charge payment of any fees under 37 C.F.R. 1.16 and 1.17 during the pendency of this application or credit any overpayment to Deposit Account No. for 06-1448.

Certificate of First Class Mailing (37 CFR 1.8(A))
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box SEQUENCE, Assistant Commissioner for Patents, Washington, D.C. 20231 on:

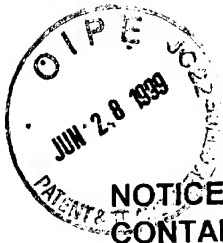
June 25, 1999
Date
6-25-99
Carmen Parra *Carmen Parra*

Respectfully submitted,

Foley, Hoag & Eliot LLP

Beth E. Arnold
Beth E. Arnold
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Attorney for Applicants

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Application No.:

09/037,472

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE
DISCLOSURES**

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s)

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☒ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other: _____

Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☐ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216
For CRF Submission Help, call (703) 308-4212
For PatentIn software help, call (703) 308-6856

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR RESPONSE

402 Rec'd PCT/PTO 28 JUN 1999

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8/B
B. Webb
8/9/99

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6-25-99
Date of Signature and Mail Deposit

By: Carmen Parra
Carmen Parra

PRELIMINARY AMENDMENT

Dear Sir:

Please amend the specification by adding the pages enclosed herewith entitled "Sequence Listing" as pages 33-37 and renumbering pages 33-36 as page numbers 38-41. The amendment to the specification merely adds the sequence listing in order to comply with CFR §1.821 *et seq.* No new matter has been added.

Respectfully submitted,
FOLEY, HOAG & ELIOT LLP

Date: June 25, 1999

Patent Group
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